

Kenneth Thomas #83545
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AUG 18 2016	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: <i>[Signature]</i>	DEPUTY

In the United States District Court
for the District of Nevada

KENNETH THOMAS
Petitioner

Case NO. 3:15-CV-00071

vs.

THE STATE OF NEVADA
Respondents

Motion for Urgent Status check
on Motion for Counsel to
Withdraw And/or Appointment
of New Counsel

Comes Now, the Petitioner, KENNETH THOMAS, proceeding through Counsel Mrs. Marry Lou. Wilson, Esq within the above entitled Cause of Action and Respectfully request this Court to Consider New Appointment of Counsel for Petitioner for the Prosecution of this Action.

This Motion is made and based upon the matters set forth here, Local Rule 7-2 of the Local Rules of Practice, Rule 7 of the Federal Rules of Civil Procedure, Rule 11 of the Rules Governing Section 2254 Case's the attached Memorandum of Points and Authorities, as well as all other pleadings and Documents on file with this Case.

* Please return stamped filed Copy *

Memorandum of Point and Authorities

I. Statement of the Case.

This action Commenced by Petitioner KENNETH THOMAS, in state Custody Pursuant to title 28, Section 2254, Petition for Writ of Habeas Corpus.

II. Statement of the facts.

To Support the Petitioner's need for New Appointment of Counsel in this Action, He states the followings.

A. Petitioner was Granted Appointment of Counsel on 10-20-2015, which it was a Conflict of interest with the Federal Public Defender Department. So this Court Appointed Mrs. Marry Lou. Wilson, Esq. as Counsel on 10-22-2015.

B. Counsel came to visit Petitioner on 12-4-2015, to get a little more information on my Case. Well your Honor, you issue a Scheduling order to have my Amended Petition in by. However, my Counsel filed a Notice stating she will not be filing any amended petition on Petitioner behalf.

C. Now Petitioner has received the Attorney General, opposition stating that my ~~was~~ Conflict of interest claim was not Exhausted which it is because it is under my Ineffective Assistance of Counsel claim.

D. Therefore, If Counsel would have Done what this Court has Appointed her to Do which was to Amend Petitioner's Petition. Then Petitioner would not be Motioning the Court for New Appointment of Counsel.

Now is it on Petitioner, to Reply to the Attorney General's opposition. If so what is the Due Date because petitioner's Counsel has not gave him the issue scheduling Dates. Petitioner can't even call his Attorney Due to the fact that her officers Don't Accept calls from prison's.


Your Honor, Petitioner is asking this Court to remove Counsel and/or Appoint New Counsel So Petitioner can at least have an opportunity to Amend his Petition for Writ of Habeas Corpus.

III.

Conclusion

Based upon the facts and Law presented herein, Petitioner would Respectfully request this Court to weigh the factors involved ~~within~~ within this Motion and Case, and Appoint New Counsel for Petitioner, to Assist this Court in the Just Determination of this Action.

Dated this 14th Day of Aug, 2016.

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